



1997 SENATE BILL 455

February 10, 1998 – Introduced by Senators DARLING, WELCH, WIRCH, ROSENZWEIG, MOEN, A. LASEE, SCHULTZ, DRZEWIECKI, HUELSMAN, FITZGERALD, FARROW, ROESSLER and PANZER, cosponsored by Representatives GREEN, JENSEN, BRANDEMUEHL, DOBYNS, OTT, OTTE, RYBA, OLSEN, KREIBICH, UNDERHEIM, PORTER, PLALE, URBAN, MUSSER, LADWIG, WALKER, LORGE, GARD, ROBSON, LAZICH, PLOUFF, ZUKOWSKI, OWENS, ALBERS, F. LASEE, HARS DORF, GUNDERSON, KLUSMAN and HASENOHRL. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

- 1 **AN ACT to renumber** 961.14 (5) (a); and **to create** 961.14 (5) (ag) of the statutes;
- 2 **relating to:** making gamma hydroxybutyrate a controlled substance.

Analysis by the Legislative Reference Bureau

Current law places various restrictions on controlled substances (dangerous drugs). The substances are regulated based on their schedule designations. The legislature by law or the controlled substances board by rule places a controlled substance in schedule I, II, III, IV or V based on the substance's accepted medical use and the potential for abuse of the substance. Schedule I includes substances that have a high potential for abuse, do not have a currently accepted medical use in treatment in the United States and lack accepted safety for use in treatment under medical supervision. Because schedule I controlled substances have no currently accepted medical use, they generally cannot be manufactured, possessed or used except for such limited activities as scientific research or instruction.

Current law provides penalties for unlawful acts relating to controlled substances in schedule I. Generally, the penalty for unlawful manufacture, distribution or delivery of a schedule I controlled substance or unlawful possession of a schedule I controlled substance with intent to manufacture, distribute or deliver is a fine of not more than \$15,000 or imprisonment for not more than 5 years or both. The penalty for unlawful possession of schedule I controlled substances is usually a fine of not more than \$500 or imprisonment for not more than 30 days or both. (Current law provides different penalties for unlawful acts relating to certain schedule I controlled substances, such as narcotic drugs, various hallucinogens and marijuana.) In addition, a person who is convicted of delivering or distributing a

